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No. 04-1544

IN THE

Supreme Court of the United States

VICKI LYNN MARSHALL,

Petitioner,

v.

E. PIERCE MARSHALL,

Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

BRIEF OF BONNIE SNAVELY AS *AMICA CURIAE* IN SUPPORT OF THE RESPONDENT AND AFFIRMANCE

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INTEREST OF *AMICA CURIAE*[1]

Amica Bonnie Snavely opposes the efforts of the Petitioner, Vicki Marshall, to persuade this Court to adopt a radically new and narrow interpretation of the probate exception. Such a narrow reading of the exception would be inconsistent with this Court's precedents and would guarantee the continuation of the kind of collisions between state and federal courts exemplified by *Marshall* v. *Marshall*. Unfortunately, the *Marshall* case is not an aberration that this Court can safely ignore. Ms. Snavely was a party to litigation that resulted in the same kind of destructive tug-of-war between the state and federal courts, including injunctions issued by a federal court against a state court proceeding, the relitigation in federal court of state-law issues fully heard and decided by a state court, and conflicting decisions by competing courts on the same issues. Ms. Snavely has filed a petition for certiorari in her case, which this Court considered on October 3, 2005 and has held, presumably pending the outcome of this case. See Order List, October 3, 2005, 546 U.S. __ (2005), *available at* http://www.supremecourtus.gov/orders/courtorders/100305pzor.pdf). Because of her pending case, Ms. Snavely is vitally concerned with the outcome of this case.

The fact that this Court received two petitions, practically simultaneously, that present the same story of state courts being subjected to the indignity of federal interference and of judicial gamesmanship by litigants running into federal court to relitigate essentially final determinations by state court judges illustrates precisely the evils that the probate exception was meant to cure. This Court has long acknowledged that the disposition of assets upon death is a matter of unique

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[1] No person or entity other than Bonnie Snavely made a monetary contribution to the preparation or submission of this brief. Counsel of record for both parties have consented to the filing of this brief *amica curiae*, and the letters of consent have been filed with the Clerk.

concern and expertise for the state courts. See *Harris* v. *Zion Savings Bank & Trust Co.*, 317 U.S. 447 (1943). Only by reaffirming the robust conception of the exception adopted by the Ninth Circuit and urged by the Respondent in this case can the Court protect state judiciaries from the offensive and wasteful interference of federal courts. See *Marshall* v. *Marshall (In re Marshall)*, 392 F.3d 1118 (9th Cir. 2004).

SUMMARY OF ARGUMENT

The story of *Amica*'s litigation illustrates three basic problems that would be created if the probate exception were radically narrowed as Petitioner suggests.

First, a narrowed probate exception would unnecessarily undermine the state courts' ability to pronounce and apply state law. There is no question that the meaning and application of probate law is uniquely a state concern. This Court has long recognized that the federal courts have a responsibility to avoid unnecessarily intruding on the functions of state courts. The proceedings in *Snavely* v. *Miller* demonstrate that a robust and non-discretionary probate exception is required to protect the dignity of the state probate tribunals. Because the bankruptcy court refused to respect the limitations imposed on its jurisdiction by the probate exception, the state court judge in the case was subject to the indignity of federal injunctions that prevented her from completing the formality of filing a decision that she had already issued to the parties. Federal law contains numerous provisions and doctrines designed to prevent this kind of disrespect of state court proceedings. These devices include the Anti-Injunction Act, 28 U.S.C. § 2283, the requirement that federal courts give full faith and credit to state judgments, see *id.* § 1738, and the various federal abstention doctrines, see *Rooker* v. *Fidelity Trust Co.*, 263 U.S. 413 (1923); *Railroad Comm'n* v. *Pullman Co.*, 312 U.S. 496 (1941); *Burford* v. *Sun Oil Co.*, 319 U.S. 315 (1943); *Younger* v. *Harris*, 401 U.S. 37 (1971); *Colorado River*

Water Conservation Dist. v. *United States*, 424 U.S. 800 (1976); *District of Columbia Court of Appeals* v. *Feldman*, 460 U.S. 462 (1983). The probate exception fulfills a similar role.

Second, a narrowed probate exception would create a danger of wasteful and repetitive litigation. The proceedings in *Snavely* v. *Miller* demonstrate that federal courts are not always loathe to set aside a state court's proceedings and to re-try issues of state law that have already been decided. By exceeding its jurisdiction, the federal tribunal rendered for naught the state court's laborious and painstaking work, allowing the relitigation of state-law issues that had already been resolved by a fully competent state court. This waste could have been avoided if the bankruptcy court had properly applied this Court's decisions limiting its jurisdiction. See, *e.g.*, *Harris* v. *Zion Sav. Bank & Trust Co.*, 317 U.S. 447, 450 (1943); *Sutton* v. *English*, 246 U.S. 199, 205 (1918); *O'Callaghan* v. *O'Brien*, 199 U.S. 89, 114-16 (1905); *Byers* v. *McAuley*, 149 U.S. 608, 619 (1893); *In re Broderick's Will*, 88 U.S. 503, 515-20 (1874); *Armstrong* v. *Lear*, 25 U.S. (12 Wheat.) 169, 175-76 (1827).

Finally, a narrowed probate exception will allow losing state-court litigants to engage in judicial gamesmanship, using federal court as a way of avoiding and overturning a state court's unfavorable rulings. If the probate exception is radically undermined as the Petitioner proposes, there is nothing to keep litigants from running to bankruptcy court the moment that a negative decision is announced from the state court bench. Because the bankruptcy stay is automatic, taking effect at the moment of filing, see 11 U.S.C. § 362, a party could literally station someone in the bankruptcy clerk's office with a cell-phone, waiting to file the moment that news of an adverse state opinion is announced and before it is recorded in the clerk's office. Except for the cell-phone, this is more or less what happened in *Snavely* v. *Miller*.

These are real rather than imaginary concerns. *Amica*'s experience illustrates that without a strong reaffirmation of this Court's probate-exception jurisprudence such judicial chaos – far from representing a bizarre and anomalous procedural train wreck – may become common place.

ARGUMENT

For nearly two centuries, this Court has held that the jurisdiction of the federal courts does not extend to probate matters. See *Armstrong* v. *Lear*, 25 U.S. (12 Wheat.) 169 (1827) (announcing the so-called probate exception). Instead, the Court has stated that "the right to succeed to the ownership of realty and personalty are peculiarly matters of state law," *Harris* v. *Zion Sav. Bank & Trust Co.*, 317 U.S. 447, 450 (1943), and affirmed that the probate exception exists because the "authority to make wills is derived from the state," *O'Callaghan* v. *O'Brien*, 199 U.S. 89, 110 (1905). More recent decisions by the circuit courts also emphasize this unique interest of state courts in probate-related matters. *Storm* v. *Storm*, 328 F.3d 941, 944 (7th Cir. 2003) ("[I]f state courts have the exclusive task of probating a will, and thus develop the relative expertise to do so (including the expertise to deal with all matters ancillary to probate), then federal court resolution of such matters is unlikely to be more than an unnecessary interference with the state system."); *Phillips, Nizer, Benjamin, Krim & Ballon* v. *Rosenstiel*, 490 F.2d 509, 516 (2d Cir. 1973) (recognizing that probate matters "raise issues 'in which the states have an especially strong interest and a well-developed competence for dealing with them'") (quoting Charles Alan Wright, *Federal Courts* § 25, at 84 (2d. ed. 1970); *Bassler* v. *Arrowood*, 500 F.2d 138, 142-43 (8th Cir. 1974) ("The area of probate and decedents' estates present many varied problems. State courts deal with these problems daily and have developed an expertise which should discourage federal court intervention. These local problems should be decided by state courts.") (citation omitted); cf. *Dragan* v. *Miller*, 679 F.2d 712, 715 (7th Cir. 1982) ("[T]here

is an argument – call it the argument from relative expertness – for confining the adjudication of probate-type issues to state court even when they arise in proceedings that otherwise might not be clearly classifiable as probate proceedings.").

Out of respect for this unique state interest, this Court has consistently held that the subject-matter jurisdiction of the federal courts does not extend to cases that interfere with state probate proceedings. See, *e.g.*, *Harris*, 317 U.S. at 450; *Sutton* v. *English*, 246 U.S. 199, 205 (1918); *O'Callaghan*, 199 U.S. at 114-16; *Byers* v. *McAuley*, 149 U.S. 608, 619 (1893); *In re Broderick's Will*, 88 U.S. 503, 515-20 (1874); *Armstrong*, 25 U.S. (12 Wheat.) at 175-76. Even the case of *Waterman* v. *Canal-Louisiana Bank & Trust Co.*, 215 U.S. 33, 46 (1909), relied on heavily by Petitioner Vicki Marshall, in which the Court upheld the jurisdiction of a federal court over a suit brought by an heir of an estate against the executor and other heirs, recognizes that the federal courts should "not interfere with the ordinary settlement of the estate" and "cannot interfere with the probate court in determining the amount of the residue arising from the settlement of the estate in the court of probate."

The Court has observed that without the probate exception "the conflict of jurisdictions would be irreconcilable and disastrous." *Bank of Tenn.* v. *Vaiden*, 59 U.S. 503, 507 (1855). This prediction has proven true as federal bankruptcy courts have recently allowed losing state-court litigants to raise their claims anew. It would be a mistake to think that the confrontation between state and federal courts that occurred in *Marshall* v. *Marshall* over Vicki Marshall's probate-related claims is an anomaly. As Ms. Snavely's case demonstrates, in the absence of a robust probate exception, the dangers of heavy-handed interference by federal courts with state court proceedings, wasteful and duplicative litigation, and judicial gamesmanship by litigants is all too real.

The probate exception is not some arcane anachronism. Rather, it safeguards basic values of judicial federalism. Our system of parallel state and federal judiciaries creates a need for special doctrines to prevent judicial over-reaching and abusive litigation tactics. In another context, this Court has observed:

> Understandably this dual court system [created by the Constitution] was bound to lead to conflicts and frictions. Litigants who foresaw the possibility of more favorable treatment in one or the other system would predictably hasten to invoke the powers of whichever court it was believed would present the best chance of success. Obviously this dual system could not function if state and federal courts were free to fight each other for control of a particular case. Thus, in order to make the dual system work and to prevent needless friction between state and federal courts, it was necessary to work out lines of demarcation between the two systems.

Atlantic Coast Line R.R. v. *Brotherhood of Locomotive Eng'rs*, 398 U.S. 281, 286 (1970) (internal quotations and citations omitted). The probate exception addresses these issues. It is one of the federalism-maintaining mechanisms that "prevent[s] needless friction between state and federal courts." Cf. *Oklahoma Packing Co.* v. *Oklahoma Gas & Elec. Co.*, 309 U.S. 4, 9 (1940).

In the absence of the probate exception, however, the process of settling an estate can go terribly wrong. The case of *Snavely* v. *Miller*, illustrates the very real – and regrettably routine – nature of the dangers that the probate exception was designed to guard against. Like *Marshall* v. *Marshall*, *Amica*'s case involves a battle between a federal bankruptcy court and a state probate court for jurisdiction over a state testamentary proceeding. And like the *Marshall* case, Ms. Snavely's case highlights a troubling lack of respect for state probate courts by the federal bankruptcy courts in question.

AMICA'S EXPERIENCE ILLUSTRATES THE REAL – AND ROUTINE – DANGERS THAT THE PROBATE EXCEPTION SHOULD GUARD AGAINST.

The procedural history of *Snavely* v. *Miller* demonstrates why a robust probate exception is necessary. Following a three-week trial of the testamentary issues, the state court in *Snavely* issued a detailed oral ruling in favor of Bonnie Snavely. Knowing that he had lost the case, Douglas Miller tried to escape the state court's judgment by hastily filing a bankruptcy petition before the state court could enter its written decision. Despite the state court's protestations that it had exclusive jurisdiction over the testamentary subject matter and despite the state court's attempt to enter judgment at the close of trial, the federal court seized jurisdiction over the case, ordered the parties to discontinue their participation in the state court's proceedings on penalty of contempt, and sanctioned Ms. Snavely for suggesting to the state court that the federal court lacked subject-matter jurisdiction. The federal court's disregard for the limitations on its jurisdiction transformed the judgment reached by the state court after a lengthy trial into a dead letter.

Not content simply to stay the state court's proceedings, the federal court conducted a complete re-trial of the testamentary issues that had been tried before the state court. At the close of that trial, the federal court ignored the detailed findings and conclusions of the state court and held exactly contrary to the state court on numerous issues of state law. Based on its own interpretation of state law and the facts, the federal court effectively reversed the state court's decision for Ms. Snavely and decided the issues for Mr. Miller.

As the facts of *Snavely* v. *Miller* demonstrate, the proper application of the probate exception to federal subject-matter jurisdiction carries significant implications for core matters of judicial federalism. The scenario of a federal court using its coercive power to halt ongoing state-court proceedings over the state judge's protestations, to sanction litigants for

participating in state-court proceedings, and to retry completely all of the issues decided by the state court undermines the dignity of state courts, lends to duplicative and wasteful litigation, and lets losing parties "game" the courts by running to the federal judiciary when state courts decide against them.

A. The *Snavely* v. *Miller* State Court Proceedings.

Douglas Miller and Bonnie Snavely are two of the three children of Margueritte Miller. During her life, Mrs. Miller transferred a portion of her real property, a Montana ranch ("the Ranch"), to a revocable living trust ("the Trust"), naming her children as beneficiaries. CR 31, Ex. 11.[2] The Trust had two purposes: first, to provide for Mrs. Miller's comfort and security during her lifetime, and second, to provide for the disposition of her property following her death. *Id.* at 2-10. In using a multi-purpose trust to dispose of her property upon death, Mrs. Miller was typical of the large number of Americans who use some combination of trusts and wills to plan their estates. See generally John H. Langbein, *The Nonprobate Revolution and the Future of the Law of Succession*, 97 Harv. L. Rev. 1108 (1984) (discussing the rise of will substitutes). Increasingly, these are the sort of complex probate disputes that are likely to touch on the jurisdiction of the federal courts.

Under the terms of the Trust, Ms. Snavely was named as trustee. CR 31, Ex. 11 at 1. In accordance with her duties as trustee, Ms. Snavely administered the Trust for several years. Mrs. Miller was the primary beneficiary of the Trust during her lifetime, and Ms. Snavely administered the Trust during this time to provide for her ailing mother. Mrs. Miller died on

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[2] References to "CR" are to the docket in Adversary Proceeding No. 01/00043 (Bankr. D. Mont. 2002). References to "CR*" are to the docket in Bankruptcy Case No. 01-30752 (Bankr. D. Mont. 2002). References to "ER" are to the Excerpt of Record filed before the Ninth Circuit in *Snavely* v. *Miller (In re Miller)*, No. 03-35317 (9th Cir. 2005).

August 26, 1995, CR 13, Ex. 16 at 10-11, and upon her death, the Trust became irrevocable. CR 31, Ex. 11 at 1-2. Mrs. Miller's death transformed the Trust into a device for distributing Mrs. Miller's wealth to her heirs. In accordance with the Trust's provisions, Ms. Snavely sought to liquidate it by purchasing the Ranch from the Trust and distributing the resulting cash among Mrs. Miller's heirs. CR* 72 at 5 n.5. As required by Washington law, in August 2000, Ms. Snavely petitioned the state court to obtain judicial approval of her trust administration and the proposed sale. CR* 33 at 2; see Wash. Rev. Code §§ 11.106.030, 11.100.140. Ms. Snavely filed the petition in Washington state court because the Trust was created in Washington by Mrs. Miller after she had become a Washington resident and is expressly governed by Washington law. CR 31, Ex. 11 at 23.

After Ms. Snavely filed an accounting of her management of the Trust as requested by the court, Mr. Miller filed objections to the accounting and to the sale of the Ranch, alleging that Ms. Snavely had engaged in self dealing and had breached her fiduciary duty as trustee in a number of different ways. CR* 33 at 2. This placed the entirety of Mrs. Miller's estate plan, including the Trust, its spendthrift provisions, and Ms. Snavely's administration of the Trust, into dispute. As a result of Mr. Miller's objections to the sale and the accounting, a lengthy trial was held in King County Superior Court before the Honorable J. Kathleen Learned.

In the pretrial proceedings, Mr. Miller repeatedly contested the jurisdiction of the state court, arguing that the Trust had expired and was not a valid spendthrift trust. The state court repeatedly rejected that argument, holding that, as a matter of state law, the Trust (and its spendthrift provisions) were valid and enforceable. See, *e.g.*, CR* 70, Exs. 2, 4. As a result, the state court held that it had subject-matter jurisdiction over the Trust and the related accounting issues. See, *e.g.*, *id.*

The state court conducted an extensive trial on these testamentary issues from February 6 to February 22, 2001,

hearing the testimony of numerous witnesses. On March 7, 2001, Judge Learned announced her factual findings and conclusions of law in open court. The court's oral ruling was detailed and exhaustive, covering essentially all of the issues raised by the parties and spanning 69 pages of written transcript, which was provided to the parties as her opinion. See CR* 33, Ex. B. In it, Judge Learned commented that she had "spent a lot of time" analyzing the complicated factual evidence and the applicable legal rules in light of the parties' arguments. *Id.* at 67. Based on this analysis, the court approved the sale of the Ranch to Ms. Snavely and the accounting filed by her, with some modifications. *Id.* at 24-63. In addition to these central issues, the court's oral ruling decided a host of related issues. The court found that there had been no self dealing on the part of Ms. Snavely and that she had not breached her fiduciary duties as trustee. *Id.* at 17, 25, 36. The court also approved the payment of Trust funds to Ms. Snavely for loans she had made to the Trust and for a variety of Trust-related expenses. *Id.* at 33-66. On each of these issues, Judge Learned's ruling explained in detail the court's reasons for its decision. In the end, the court determined that Mr. Miller owed Ms. Snavely (as trustee) approximately $1,010,104, including attorneys fees and interest. At the conclusion of the March 7, 2001, hearing, the court set March 21 as the date for the final entry of a written order in accordance with the oral ruling. *Id.* at 69.

B. The Losing Party's Use Of The Federal Courts To Interfere With The State Proceedings And Relitigate Decided Issues.

Two days before the scheduled hearing to enter the state court's final judgment, Mr. Miller commenced a Chapter 11 bankruptcy proceeding in Montana. CR* 1. Knowing that he had lost the state court trial, Mr. Miller sought a federal injunction against the state court proceedings, which were all but complete. On March 21, 2001, Judge Learned held the scheduled hearing to enter written findings of fact and

conclusions of law. CR* 20 at 5. Mr. Miller argued at that hearing that his bankruptcy case stayed the Washington state court proceedings. *Id.* Judge Learned considered the issue and disagreed. In a March 23, 2001, order, she ruled, (1) the Trust's spendthrift clause was valid and enforceable under Washington law, (2) the Trust's assets were therefore not property of Mr. Miller's bankruptcy estate under 11 U.S.C. § 541(c)(2), and (3) the automatic stay did not apply. CR* 33, Ex. D. That same day, the state court entered its written Findings of Fact and Conclusions of Law, which memorialized its oral ruling without significant alteration. CR* 33, Exs. C, E.

The Montana bankruptcy court then stepped in to reverse the Washington state court's order regarding applicability of the stay. CR* 3, 18. The bankruptcy court recognized that the applicability of the stay depended on the state-law issue of whether the anti-alienation clause in the Trust continued in force and effect. Even though the state court had already ruled exactly the opposite, the Montana bankruptcy court ruled that the state court was wrong as a matter of Washington state law. ER 10. Rejecting the state court's jurisdictional ruling, the bankruptcy court held that it had sole jurisdiction over the trust and probate matters that had been pending before the state court. ER 6. The bankruptcy court ordered Ms. Snavely to proceed no further in the state case, sanctioned Ms. Snavely for participating in the proceeding in which the state court entered its written order, and declared the state court's written order void. See ER 1-10.

Having brought the state proceedings to a halt and rendered the state court's judgment essentially ineffective, the bankruptcy court ordered Ms. Snavely to file a Proof of Claim on behalf of the Trust and individually. ER 13. Ms. Snavely did so. The bankruptcy court then conducted a complete re-trial of the issues related to the Trust that had been decided by the state court.

The bankruptcy court's re-trial began on October 29, 2001 and lasted four and one-half days. See CR 76. On January 25, 2002, the bankruptcy court issued a 55-page order ignoring the detailed findings of the state court and concluding contrary to the state court's resolution of nearly every single issue of fact and law. See ER 765-819. Where the state court had concluded that Ms. Snavely's administration of the Trust was appropriate, the bankruptcy court concluded that Ms. Snavely breached her fiduciary duties under state law. Where the state court concluded that Ms. Snavely's receipts and financial documents were largely correct when examined closely, the bankruptcy court concluded that Ms. Snavely had mismanaged and improperly documented her financial dealings on behalf of the Trust. Where the state court concluded that Ms. Snavely had acted in good faith as trustee and Mr. Miller had been unduly litigious and obstinate, the bankruptcy court concluded that Mr. Miller had always acted in good faith and that the fault for the animosity and litigation between the parties was Ms. Snavely's. Where the state court ordered Mr. Miller to pay Ms. Snavely's attorney fees, the bankruptcy court ordered Ms. Snavely to pay Mr. Miller's fees. And, as noted above, where the state court concluded that, as a matter of state law, the Trust continued through the winding up of its affairs, see CR* 33, Ex. D, the bankruptcy court concluded that the Trust had terminated under state law, see ER 1-10.

These are just a few of the examples of stark disagreement between the state court and the bankruptcy court on the numerous issues of fact and state law surrounding the administration of the Trust. It is no overstatement to say that the bankruptcy court's order is a polar opposite of the state court's oral and written rulings on the very same issues. This judicial tug-of-war demonstrates the need for this Court to reaffirm the probate exception in order to thwart the unwarranted meddling of federal courts resulting in unnecessary relitigation of previously decided issues and the

unscrupulous litigation tactics of disgruntled litigants attempting to game the system.

C. The Ninth Circuit's Failure To Prevent The Federal Court's Abuse Of The State Tribunal.

Ms. Snavely appealed to the United States District Court for the District of Montana, which affirmed the bankruptcy court's decision in a summary opinion. ER 842-57. Ms. Snavely then filed an appeal with the Ninth Circuit Court of Appeals. ER 858-60. As part of that appeal, Ms. Snavely argued that the bankruptcy court lacked subject-matter jurisdiction over the testamentary issues that were pending before the state court under the probate exception.

While Snavely's appeal was pending, the Ninth Circuit issued its opinion in *Marshall* v. *Marshall* (*In re Marshall*), 392 F.3d 1118 (9th Cir. 2004). That case also involved an attempt to use bankruptcy proceedings to stay ongoing state court proceedings under a will and *inter vivos* trust and relitigate in a federal bankruptcy court issues already decided by a state tribunal. The Ninth Circuit in *Marshall* provided a detailed discussion of the case law governing the probate exception, explicitly ruling that it extended well beyond merely probating a will or administering an estate. *Id.* at 1133 ("The reach of the probate exception encompasses not only direct challenges to a will or trust, but also questions which would ordinarily be decided by a probate court in determining the validity of the decedent's estate planning instrument."). Accordingly, in *Marshall* the Ninth Circuit held that the bankruptcy court had erred in assuming jurisdiction over a case involving the validity of an alleged *inter vivos* trust.

The *Marshall* opinion was brought to the attention of the *Snavely* panel by means of a letter filed under Federal Rule of Appellate Procedure 28(j) but to no avail. The panel affirmed in a memorandum opinion, concluding without discussion that: (1) the probate exception "prohibits a federal court *only*

from probating a will or administering an estate"; and (2) the bankruptcy court's actions in no way interfered with the state court's proceedings. *Snavely* v. *Miller (In re Miller)*, 124 Fed. Appx. 495, 498 (9th Cir. 2005), *available at* 2005 WL 281387 (emphasis added) (citation omitted). Thereafter, Ms. Snavely's petition for panel rehearing and rehearing *en banc* were also denied.

* * * *

The tortuous course of *Amica*'s litigation illustrates that the dangers against which the probate exception guards are real. In many ways, the facts that resulted in the "disastrous" "conflict of jurisdictions," *Bank of Tennessee*, 59 U.S. at 507, in both *Marshall* v. *Marshall* and *Snavely* v. *Miller* seem exotic and anomalous. Two such cases coming to this Court in a single term, however, testifies to the fact that without a strong re-affirmation of the probate exception, such wasteful and dangerous confrontations between state and federal courts will continue to occur.

The probate exception should protect state judges from the meddling interference of the federal courts. In *Amica*'s case, Judge Learned had engaged in an exacting and laborious analysis of the complex state probate law claims at issue in the case. Such diligence and expertise on the part of the state courts ought to be accorded respect by the federal courts. Because the bankruptcy court exceeded its jurisdiction, however, Judge Learned's work was peremptorily swept aside, and she was subjected to the indignity of having proceedings in her court enjoined by a distant federal tribunal.

Aside from the disrespect such interference shows to state courts, it constitutes a tremendous waste of judicial resources. All of the issues in *Amica*'s case had been thoroughly heard and decided by Judge Learned. By ignoring the probate exception, the federal court not only rendered the effort of the state adjudication for naught, but engaged in a second lengthy

proceeding to re-decide all of the same state-law issues. This massive expenditure of judicial effort was not necessary.

Finally, *Amica*'s case illustrates the way that the probate exception prevents judicial gamesmanship. Our courts exist to provide an orderly and impartial resolution of disputes. This function is decisively undermined when a party can test the waters in state court with the knowledge that one can avoid an adverse state ruling by running to bankruptcy court before the formalities of issuing an order in the state court are complete. The limitation on a federal court's jurisdiction to interfere in an on-going state probate case prevents such abusive tactics.

CONCLUSION

For the foregoing reasons, the judgment of the court of appeals should be affirmed.

Respectfully submitted,

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